

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/759,099 Confirmation No. 4916
Applicant : Timothy J. O'Leary et al.
Filed : January 20, 2004

TC/A.U. : 1637
Examiner : CALAMITA, H.

Docket No. : AFIP 03-16 01
Customer No. : 27370

For: IMMUNOLIPOSOME-NUCLEIC ACID AMPLIFICATION (ILNAA)
ASSAY

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

We, Dr. Jeffery Mason and Dr. Timothy O'Leary, hereby declare and state that:

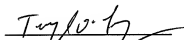
1. We are inventors of the above patent application.
2. We understand that Claim 32 was rejected over Singh et al. in view of Wu et al. and further in view of US Patent Application Publication 2004/0258570 (Beebe et al.) and that Claims 34 and 39 were rejected over Singh et al. in view of Wu et al. and further in view of US Patent Application Publication 2005/0079520 (Wu et al. '520).
3. The facts set forth in the previous Combined Declaration Under 37 C.F.R. 1.131 And 1.132 filed on February 12, 2008 are incorporated herein and are sufficient to antedate the newly-cited Beebe et al. and Wu et al. '520 references.
4. As shown by the facts and exhibits of the 131/132 Declaration, we conceived of the invention prior to November 2000. Beginning prior to the November 2000, we and our team diligently worked to reduce the immunoliposome-nucleic acid amplification (ILNAA) assay to practice. Our work continued until a working method was completed and reduced to practice in September 2002.

5. Thus, the present invention was reduced to practice prior to the effective dates of both Beebe et al. (November 4, 2002) and Wu et al. '520 (July 21, 2003).

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Dr. Jeffrey Mason

27 August 2008
Date


Dr. Timothy J. O'Leary

28 August 2008
Date